

SENATE JOURNAL

EIGHTY-FIRST LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FIFTY-THIRD DAY

(Thursday, May 7, 2009)

The Senate met at 11:10 a.m. pursuant to adjournment and was called to order by President Pro Tempore Duncan.

The roll was called and the following Senators were present: Averitt, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Shapleigh, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

The President Pro Tempore announced that a quorum of the Senate was present.

The Reverend Jacqueline Baker, Hyde Park Christian Church, Austin, offered the invocation as follows:

Gracious and loving God, we come before You today with hearts that are grateful for the many blessings we have received. We come before You today, on this day of national prayer, grateful for this opportunity to be still, to quiet our minds, and awaken our souls. We come before You today with spirits that are eager to work together for the good of this state. And so we pray Your presence with us now. May Your light open our eyes and illuminate our paths. May Your wisdom inspire our decisions and guide our actions. May Your love lead us to serve with hearts of compassion. And may Your spirit ever help us to remember the responsibility and the privilege of service. With this in mind, help us to find common ground. Help us to seek a common goal and identify a common good. Help us to see all faces and hear all voices. Help us to work together, always mindful of the future and of the fact that our words and actions today truly matter and that we are charged with the responsibility of planting seeds which will bear good fruit. May we ever realize that our presence here truly matters. May future generations look to us as an example of unity and constructive cooperation. May our children look to us as examples of peace and reconciliation. With humble hearts then, let us serve. With gracious and gentle spirits, let us work together. With mindful and caring intent, let us seek the well-being of all those people, Your people, our people, all people that we are called to tend. We pray all things in a spirit of love and service. Amen.

Senator Whitmire moved that the reading of the Journal of the proceedings of yesterday be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

CO-AUTHOR OF SENATE BILL 1454

On motion of Senator West, Senator Shapiro will be shown as Co-author of **SB 1454**.

CO-SPONSORS OF HOUSE CONCURRENT RESOLUTION 176

On motion of Senator Williams, Senators Ellis and West will be shown as Co-sponsors of **HCR 176**.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

May 7, 2009

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HB 124, Relating to the punishment for the offense of employment harmful to children.

HB 339, Relating to driver education and driver's licensing requirements for minors.

HB 472, Relating to the effect and implementation of the law regarding reporting by a common carrier or pipeline owner or operator of contamination.

HB 636, Relating to allocation of state and federal funds for adult basic education.

HB 643, Relating to the qualifications of surgical technologists; providing penalties.

HB 1031, Relating to maintenance of roads on the property of a perpetual care cemetery.

HB 1905, Relating to studying the costs and benefits of a pilot program for services for adults with autism and other related disabilities with similar support needs.

HB 1959, Relating to the governmental entities subject to the sunset review process.

HB 2564, Relating to the regulation of certain professions and practices in connection with computer technology; providing penalties.

HB 2925, Relating to protections provided by the Department of Agriculture for certain consumers; providing penalties.

HB 3097, Relating to the creation, organization, duties, and functions of the Texas Department of Motor Vehicles and to the use of certain specialty license plate fees to fund the Choose Life and Choose Adoption account; providing penalties.

HB 3128, Relating to service of process on condominium unit owners and condominium unit owners' associations in certain municipalities.

HB 3137, Relating to requiring the Department of Family and Protective Services to develop and provide certain foster parents with a statement regarding the rights and responsibilities of those persons and the agency.

HB 3144, Relating to an exemption from the sales and use tax for parts for certain machinery and equipment used in agricultural operations and for aircraft used in connection with agriculture.

HB 3148, Relating to exempting certain young persons who are convicted of an offense involving consensual sex from the requirement of registering as a sex offender in this state.

HB 3314, Relating to the transfer of title to a decedent's homestead through a small estate affidavit.

HB 3481, Relating to the right to an expunction of records and files relating to a person's arrest.

HB 3502, Relating to waiver of certain statutory rights in connection with a purchase of or loan secured by real property.

HB 3547, Relating to an order for the closure of unregistered dry cleaning facilities and dry cleaning drop stations by the Texas Commission on Environmental Quality.

HB 3637, Relating to filing fees in civil actions and proceedings, to fees charged on conviction in certain courts, to the preservation of court records, to money paid into the registry of a court in certain counties, and to the appointment of counsel in certain suits.

HB 3649, Relating to a policy regarding the receipt of books by mail by an inmate in the Texas Department of Criminal Justice.

HB 3671, Relating to the documents that are required for the transfer of a defendant from a county to the Texas Department of Criminal Justice.

HB 3717, Relating to exemptions from the requirement to hold a license to practice physical therapy.

HB 3737, Relating to criminal history checks for employees of, and applicants for employment at, special care facilities.

HB 3795, Relating to the public awareness campaign promoting higher education and to additional financial aid for higher education.

HB 3951, Relating to requiring a public institution of higher education to designate or employ a person trained in student financial assistance programs for military veterans and their families.

HB 3983, Relating to certain homestead preservation reinvestment zones.

HB 4068, Relating to the conduct of judicial proceedings and transaction of other essential judicial functions in the event of a disaster.

HB 4091, Relating to bilingual education, English as a second language, and other special language programs and to an intensive reading improvement program for public school students of limited English proficiency.

HB 4154, Relating to the creation by the Health and Human Services Commission of a volunteer advocate program for certain elderly individuals.

HB 4265, Relating to the definition of controlling interest for purposes of the franchise tax and to the imposition of the tax on certain combined groups.

HB 4300, Relating to safety rules for certain pipeline facilities and public awareness.

HB 4328, Relating to the establishment of the Interagency Literacy Council for the study, promotion, and enhancement of literacy in this state.

HB 4341, Relating to the regulation of discount health care programs by the Texas Department of Insurance; providing penalties.

HB 4409, Relating to emergency preparation and management.

HB 4545, Relating to the time for filing a petition for judicial review in certain workers' compensation cases.

HCR 11, Congratulating Nastia Liukin of Parker for her medal-winning performances in the 2008 Olympic Games.

HCR 121, Recognizing all those who participated in the 2008 Capital Area State Employee Charitable Campaign.

HCR 185, In memory of Cory James Galloway of Tyler.

HCR 186, In memory of Kyle W. Perkins of Kilgore.

HCR 206, In memory of Christian Tyler Dunn-Donihoo of Mount Pleasant.

HCR 207, In memory of Jack Ray Stevenson of Bogata.

HCR 208, In memory of Herbert Hugh Campbell of Paris.

SB 543, Relating to certain possessory liens; providing a criminal penalty.
(Committee Substitute)

SB 1071, Relating to the required disclosure under the public information law of information pertaining to an employee or trustee of a public employee pension system.

SB 1253, Relating to the repeal of the power of certain districts and water supply corporations to allow the use of right-of-way easements for certain energy-related purposes.

SB 1371, Relating to the colonia self-help program.

SB 1711, Relating to the use of reservoirs for sediment control or to satisfy certain environmental and safety requirements at surface mining operations.

SB 1811, Relating to the 39th Judicial District Juvenile Board.

SB 2163, Relating to access to criminal history record information by the Texas Veterans Commission.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

MESSAGES FROM THE GOVERNOR

The following Messages from the Governor were read and were referred to the Committee on Nominations:

Austin, Texas
May 6, 2009

TO THE SENATE OF THE EIGHTY-FIRST LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be members of the Health and Human Services Council for terms to expire February 1, 2015:

Jerry Kane
Corpus Christi, Texas

(Mr. Kane is being reappointed)

Manson B. Johnson
Houston, Texas

(Reverend Johnson is being reappointed)

Teresa "Terry" Wilkinson
Midland, Texas

(replacing Adan Trevino of Bellaire whose term expired)

To be members of the State Pension Review Board for terms to expire January 31, 2015:

Paul A. Braden
Dallas, Texas

(Mr. Braden is being reappointed)

Wayne R. Roberts
Austin, Texas

(replacing Shari Shivers of Austin whose term expired)

Scott D. Smith
Cedar Park, Texas

(replacing Frederick Rowe of Dallas whose term expired)

To be members of the Texas Real Estate Commission for terms to expire January 31, 2015:

Jaime Blevins Hensley
Lufkin, Texas

(replacing Mary Frances Burleson of Sachse whose term expired)

Joanne Justice
Arlington, Texas

(replacing Elizabeth Leal of El Paso whose term expired)

Dona Scurry
El Paso, Texas

(replacing William Flores of Sugar Land whose term expired)

To be a member of the Texas Industrialized Building Code Council for a term to expire February 1, 2010:

Jesse Rider
Tyler, Texas

(Mr. Rider is replacing Charles Wilson of Lubbock who resigned)

To be members of the Department of Information Resources for terms to expire February 1, 2015:

Ramón F. Baez
Southlake, Texas

(replacing William Wachel of Dallas whose term expired)

Robert E. Pickering, Jr.
Houston, Texas

(Mr. Pickering is being reappointed)

To be members of the Texas Military Preparedness Commission for terms to expire February 1, 2015:

Dora G. Alcala
Del Rio, Texas

Ralph C. Gauer, Sr.
Harker Heights, Texas

Alvin W. "Al" Jones
College Station, Texas

Paul F. Paine
Fort Worth, Texas

(the individuals listed above are being reappointed)

To be a member of the Brazos River Authority Board of Directors for a term to expire February 1, 2015:

Trent McKnight
Throckmorton, Texas

(Mr. McKnight is replacing Billy Wayne Moore of Willis whose term expired)

To be a member of the Sulphur River Basin Authority Board of Directors for a term to expire February 1, 2015:

Kirby Hollingsworth
Mount Vernon, Texas

(new position due to SB 287)

To be a member of the Texas State Board of Acupuncture Examiners for a term to expire January 31, 2015:

Reynaldo Ximenes

Austin, Texas

(Dr. Ximenes is replacing Donald Counts of Austin who resigned)

To be the Criminal District Attorney of Tarrant County for a term until the next General Election and until his successor shall be duly elected and qualified:

Joe Shannon, Jr.

Fort Worth, Texas

(Mr. Shannon is replacing Tim Curry who is deceased)

To be Justice of the Court of Appeals, Fifth Appellate District for a term until the next General Election and until his successor shall be duly elected and qualified:

Robert M. Fillmore

Plano, Texas

(Mr. Fillmore is replacing Amos Mazzant who resigned)

To be a member of the Central Texas Regional Mobility Authority for a term to expire February 1, 2011:

Ray Allen Wilkerson

Austin, Texas

(Mr. Wilkerson is replacing Robert Tesch of Georgetown who resigned)

To be a member of the Commission on Human Rights for a term to expire February 1, 2015:

Travis A. Morris

Austin, Texas

(Mr. Morris is replacing Anwar Khalifa of Tyler whose term expired)

To be a member of the Texas Emancipation Juneteenth Cultural and Historical Commission for a term to expire February 1, 2013:

Clarence E. Glover, Jr.

Dallas, Texas

(Mr. Glover is replacing Willard Stimpson of Dallas whose term expired)

To be members of the Texas Residential Construction Commission for terms to expire February 1, 2015:

Ross A. Benline

New Braunfels, Texas

(replacing John Krugh of Houston whose term expired)

Don Illingworth

Arlington, Texas

(replacing Ken Davis of Weatherford whose term expired)

Steven R. Leipsner

Austin, Texas

(Mr. Leipsner is being reappointed)

To be members of the Texas Board of Licensure for Professional Medical Physicists for terms to expire as indicated:

To Expire February 1, 2013:

John Raymond Leahy, M.D.

Austin, Texas

(replacing Lamk Lamki of Houston whose term expired)

To Expire February 1, 2015:

Valerie Foreman

Frisco, Texas

(replacing Walter Grant of Bellaire whose term expired)

Pamela M. Otto, M.D.

San Antonio, Texas

(replacing Isabel Menendez of Portland whose term expired)

To be members of the State Board for Educator Certification for terms to expire February 1, 2015:

Bradley Wayne Allard

Burleson, Texas

(replacing Michael Acuff of Fort Worth whose term expired)

Bonny L. Cain

Pearland, Texas

(Dr. Cain is being reappointed)

Benny W. Morris

Cleburne, Texas

(replacing John Shirley of Richardson whose term expired)

Judy Robison

El Paso, Texas

(replacing Patti Johnson of Canyon Lake whose term expired)

Respectfully submitted,

/s/Rick Perry

Governor

PHYSICIAN OF THE DAY

Senator Watson was recognized and presented Dr. Sandra L. Worrell of Austin as the Physician of the Day.

The Senate welcomed Dr. Worrell and thanked her for her participation in the Physician of the Day program sponsored by the Texas Academy of Family Physicians.

SENATE RESOLUTION 863

Senator Lucio offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the Texas Vietnam Veterans Memorial Highway Motorcycle Run, which is held in March of each year in tribute to the Vietnam veterans and their return home; and

WHEREAS, The Texas Vietnam Veterans Memorial Highway Motorcycle Run, also known as The Welcome Home Run, was established in 2003 to honor Texas Vietnam War veterans and to give them the appropriate Welcome Home they deserved upon their return many years ago; and

WHEREAS, The motorcycle run traces the route of the Texas Vietnam Veterans Memorial Highway, which is the portion of the United States Highway 83 located in Texas and extends from the Oklahoma state line at the top of the Texas Panhandle to Brownsville at the southern tip of the state; the riders cover the route over the course of several days; and

WHEREAS, When the Texas Vietnam Veterans Memorial Highway Motorcycle Run began six years ago, there were five riders, including two Vietnam War veterans; as more people became aware of the event, the Welcome Home Run has grown, and the event averaged 80 motorcycles in 2009 with a high number of 106; and

WHEREAS, The veterans of the Vietnam War fought courageously in a foreign land at a time of extreme danger; regrettably, when they returned home after doing their duty for their country, many found that they were not respected nor was their service appreciated; and

WHEREAS, The annual Texas Vietnam Veterans Memorial Highway Motorcycle Run is an expression by its participants that Texas Vietnam War veterans do indeed deserve respect for their service and a fitting Welcome Home; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 81st Legislature, hereby commend the participants in the Texas Vietnam Veterans Memorial Highway Motorcycle Run for their annual tribute in remembrance of Vietnam War veterans and their return home; and, be it further

RESOLVED, That a copy of this Resolution be prepared for them as an expression of regard from the Texas Senate.

SR 863 was read and was adopted without objection.

GUESTS PRESENTED

Senator Lucio was recognized and introduced to the Senate Brent Jackson, founder of the Texas Vietnam Veterans Memorial Highway Motorcycle Run; and Brenda Jackson, co-founder; accompanied by Keeton Jo Huston, Maryetta Johnston, and Richard Scibek, along with other representatives seated in the gallery.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Watson was recognized and introduced to the Senate a delegation representing the Capital Area State Employees Charitable Campaign.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Ellis was recognized and introduced to the Senate a group of students from Fondren Middle School and Fonville Middle School, representing the Houston Area Outreach Coalition's Empowering Teen Leaders program.

The Senate welcomed its guests.

**INTRODUCTION OF
BILLS AND RESOLUTIONS POSTPONED**

The President Pro Tempore announced that the introduction of bills and resolutions on first reading would be postponed until the end of today's session.

There was no objection.

GUESTS PRESENTED

Senator West was recognized and introduced to the Senate a group of fifth- and sixth-grade students, teachers, and faculty from the A. W. Brown-Fellowship Charter School in Dallas.

The Senate welcomed its guests.

CONCLUSION OF MORNING CALL

The President Pro Tempore at 11:26 a.m. announced the conclusion of morning call.

**COMMITTEE SUBSTITUTE
SENATE BILL 2340 ON SECOND READING**

Senator Averitt moved to suspend the regular order of business to take up for consideration **CSSB 2340** at this time on its second reading:

CSSB 2340, Relating to electronic monitoring and other alternative means for certain defendants to discharge a fine or costs or satisfy a term of confinement in county jail.

The motion prevailed.

Senator West asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Averitt offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 2340** (Senate committee printing) in SECTION 6, at the end of the SECTION (page 3, line 46), by inserting after subsection (e) a new subsection (f) to read as follows:

(f) A commissioners court may contract for any available electronic monitoring technology, including a technology that provides continuous positional tracking of the participant, that meets the approval of the commissioners court and either sheriff or community supervision and corrections department, as appropriate.

The amendment to **CSSB 2340** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 except as follows:

Nays: West.

On motion of Senator Averitt and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 2340 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: West.

**COMMITTEE SUBSTITUTE
SENATE BILL 2340 ON THIRD READING**

Senator Averitt moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 2340** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: West.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 952 ON SECOND READING**

Senator Shapleigh moved to suspend the regular order of business to take up for consideration **CSSB 952** at this time on its second reading:

CSSB 952, Relating to erecting an off-premise sign adjacent to and visible from certain roads that follow the route of El Camino Real de Tierra Adentro.

The motion prevailed.

Senators Estes, Harris, Nichols, Ogden, and Shapiro asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Estes, Harris, Nichols, Ogden, Shapiro.

**COMMITTEE SUBSTITUTE
SENATE BILL 952 ON THIRD READING**

Senator Shapleigh moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 952** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 5.

Yeas: Averitt, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Fraser, Gallegos, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Patrick, Seliger, Shapleigh, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Estes, Harris, Nichols, Ogden, Shapiro.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 5. (Same as previous roll call)

(President in Chair)**COMMITTEE SUBSTITUTE
SENATE BILL 505 ON SECOND READING**

Senator Ogden moved to suspend the regular order of business to take up for consideration **CSSB 505** at this time on its second reading:

CSSB 505, Relating to authorizing the designation of an area adjacent to a state highway project as a transportation finance zone, and authorizing the revenue from the state sales and use taxes imposed in the zone to be deposited in a revolving fund and used to repay financial assistance provided from the fund for highway projects.

The motion prevailed.

Senator Seliger asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Seliger.

**COMMITTEE SUBSTITUTE
SENATE BILL 505 ON THIRD READING**

Senator Ogden moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 505** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Seliger.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

GUESTS PRESENTED

Senator Gallegos was recognized and introduced to the Senate Rafael Díaz, Executive President of Baker Energy de Venezuela, L.A., accompanied by his wife, Yazmin de Díaz.

The Senate welcomed its guests.

SENATE RESOLUTION 842

Senator Shapleigh offered the following resolution:

WHEREAS, United States service members render sacrifice that is truly beyond measure; and

WHEREAS, These dedicated men and women are often away from their homes and families for lengthy periods of time, and many also leave behind promising careers; and

WHEREAS, Veterans are among the most productive and motivated people in the country, with countless skills that are transferable from the military to the civilian workforce; moreover, their years of experience and training have helped them become strong leaders who excel at performing under pressure; and

WHEREAS, Texas is home to some 1.7 million veterans, whose talent, work ethic, and dependability would greatly benefit employers and the overall economy; and

WHEREAS, Texans, indeed all citizens, owe a profound debt of gratitude to each individual who serves or has served in the United States armed forces, and providing job opportunities for veterans is one way to express our admiration and appreciation for the experience they have gained in our service; now, therefore, be it

RESOLVED, That the Senate of the 81st Texas Legislature hereby encourage Texas employers to take full advantage of the skills, expertise, and character of these patriotic Americans by offering them employment opportunities.

VAN DE PUTTE
SHAPLEIGH

SR 842 was read and was adopted without objection.

GUESTS PRESENTED

Senator Shapleigh, joined by Senator Van de Putte, was recognized and introduced to the Senate representatives of the Texas Veterans Commission: Mike Olen, Chair, Veterans Employment and Training Advisory Committee; T. P. O'Mahoney, Vice-chair; and John D. McKinney, member, accompanied by other members.

The Senate welcomed its guests.

COMMITTEE SUBSTITUTE SENATE BILL 1483 ON SECOND READING

On motion of Senator Huffman and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1483** at this time on its second reading:

CSSB 1483, Relating to the creation of the Galveston County Municipal Utility District No. 76; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 1483 ON THIRD READING

Senator Huffman moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1483** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 2515 ON SECOND READING**

On motion of Senator Williams and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 2515** at this time on its second reading:

CSSB 2515, Relating to the administration, powers and duties, operations, and financing of The Woodlands Township; providing authority to impose an events admission tax.

The bill was read second time.

Senator Williams offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 2515** (Senate committee printing) as follows:

- (1) On page 4, line 12, strike "Sections 7H and 7I" and substitute "Section 7H".
- (2) Strike page 4, line 14, through page 5, line 26.
- (3) On page 5, line 27, strike "Sec. 7I." and substitute "Sec. 7H.".

The amendment to **CSSB 2515** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Williams and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 2515 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 2515 ON THIRD READING**

Senator Williams moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 2515** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 2037 ON SECOND READING**

On motion of Senator Shapiro and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 2037** at this time on its second reading:

CSSB 2037, Relating to the sex offender civil commitment program and to the creation of a state agency to perform the functions relating to the sex offender civil commitment program that are currently performed by the Council on Sex Offender Treatment.

The bill was read second time.

Senator Shapiro offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 2037** (Senate committee printing) in SECTION 18 of the bill (page 6, line 59) by striking "2010" and substituting "2009".

The amendment to **CSSB 2037** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Shapiro and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 2037 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 2037 ON THIRD READING**

Senator Shapiro moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 2037** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 2042 ON SECOND READING

On motion of Senator Deuell and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2042** at this time on its second reading:

HB 2042, Relating to the notice requirements following impoundment of an estray.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 2042 ON THIRD READING

Senator Deuell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2042** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

BILLS SIGNED

The President announced the signing of the following enrolled bills in the presence of the Senate after the captions had been read:

SB 43, SB 95, SB 293, SB 658, SB 659, SB 799, SB 811, SB 836, SB 848, SB 914, SB 983, SB 1658, SB 2043, HB 328, HB 3456.

**MOTION TO PLACE
COMMITTEE SUBSTITUTE
SENATE BILL 1953 ON SECOND READING**

Senator Jackson moved to suspend the regular order of business to take up for consideration **CSSB 1953** at this time on its second reading:

CSSB 1953, Relating to authorizing the transfer of certain real property held by the Texas Department of Criminal Justice.

Senator Jackson withdrew the motion to suspend the regular order of business.

**COMMITTEE SUBSTITUTE
SENATE BILL 2384 ON SECOND READING**

On motion of Senator Shapleigh and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 2384** at this time on its second reading:

CSSB 2384, Relating to children's exposure to area-wide soil contamination in certain counties.

The bill was read second time.

Senator Ogden offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 2384** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill appropriately:

SECTION _____. This Act does not make an appropriation. A provision in this Act that creates a new governmental program, creates a new entitlement, or imposes a new duty on a governmental entity is not mandatory during a fiscal period for which the legislature has not made a specific appropriation to implement the provision.

The amendment to **CSSB 2384** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Shapleigh and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 2384 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 2384 ON THIRD READING**

Senator Shapleigh moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 2384** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1489 ON SECOND READING**

On motion of Senator Watson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1489** at this time on its second reading:

CSSB 1489, Relating to optional dispute resolution methods for school districts and parents of students seeking or receiving special education services.

The bill was read second time.

Senator Watson offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1489** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill appropriately:

SECTION _____. This Act does not make an appropriation. A provision in this Act that creates a new governmental program, creates a new entitlement, or imposes a new duty on a governmental entity is not mandatory during a fiscal period for which the legislature has not made a specific appropriation to implement the provision, unless funding is provided from another source such as federal funds.

The amendment to **CSSB 1489** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Watson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1489 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1489 ON THIRD READING**

Senator Watson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1489** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 1205 ON SECOND READING

On motion of Senator Carona and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1205** at this time on its second reading:

HB 1205, Relating to the circumstances in which the approval of the governing body of a taxing unit is required for refunds of overpayments or erroneous payments of ad valorem taxes.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

HOUSE BILL 1205 ON THIRD READING

Senator Carona moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1205** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE SENATE BILL 2534 ON SECOND READING

On motion of Senator Wentworth and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 2534** at this time on its second reading:

CSSB 2534, Relating to the creation of an interagency task force on economic growth and endangered species; providing information and direction regarding endangered species issues in certain areas of the state.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 2534 ON THIRD READING

Senator Wentworth moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 2534** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE SENATE BILL 679 ON SECOND READING

On motion of Senator Lucio and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 679** at this time on its second reading:

CSSB 679, Relating to the administration of certain housing funds by the Texas Department of Housing and Community Affairs.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 679 ON THIRD READING**

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 679** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 725 ON SECOND READING**

Senator Estes moved to suspend the regular order of business to take up for consideration **CSSB 725** at this time on its second reading:

CSSB 725, Relating to the sunset review of certain river authorities.

The motion prevailed.

Senators Averitt, Harris, Hinojosa, Huffman, Ogden, and Shapiro asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Estes offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 725** as follows:

- (1) On page 1, line 17 strike "and abolishment".
- (2) On page 1, strike lines 35 through 41 and insert "is subject to review for the purposes of Chapter 325, Government Code, but may not be abolished under that chapter. The review shall be conducted as if the authority were scheduled to be abolished September 1, 2013."
- (3) On page 1, line 45 strike "Section 325.025,".
- (4) On page 1, strike lines 46 through 51 and insert "review for the purposes of Chapter 325, Government Code, but may not be abolished under that chapter. The review shall be conducted as if the authority were scheduled to be abolished September 1, 2015."
- (5) On page 1, strike lines 56-62 and insert "is subject to review for the purposes of Chapter 325, Government Code, but may not be abolished under that chapter. The review shall be conducted as if the authority were scheduled to be abolished September 1, 2011."
- (6) On page 2, line 3 strike "Section 325.025,".
- (7) On page 2, strike lines 4 through 9 and insert "review for the purposes of Chapter 325, Government Code, but may not be abolished under that chapter. The review shall be conducted as if the authority were scheduled to be abolished September 1, 2013."
- (8) On page 2, line 13 strike "Section 325.025,".

(9) On page 2, strike lines 14 through 19 and insert "review for the purposes of Chapter 325, Government Code, but may not be abolished under that chapter. The review shall be conducted as if the authority were scheduled to be abolished September 1, 2015."

(10) On page 2, line 23 strike "Section 325.025,".

(11) On page 2, strike lines 24-29 and insert "review for the purposes of Chapter 325, Government Code, but may not be abolished under that chapter. The review shall be conducted as if the authority were scheduled to be abolished September 1, 2011."

The amendment to **CSSB 725** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 except as follows:

Nays: Hegar, Ogden.

Senator Williams offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 725** (Senate committee printing) as follows:

(1) In SECTION 1 of the bill, in added Section 325.025(b), Government Code, strike Subdivisions (4) through (6) (page 1, lines 23-25) and substitute the following:

(4) San Jacinto River Authority; and

(5) Trinity River Authority of Texas.

(2) Strike SECTION 5 of the bill relating to the Lower Neches Valley Authority (page 1, line 63, through page 2, line 9) and renumber subsequent SECTIONS accordingly.

The amendment to **CSSB 725** was read and was adopted by the following vote: Yeas 29, Nays 2.

Yeas: Averitt, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Patrick, Seliger, Shapiro, Shapleigh, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Hegar, Ogden.

Senator Williams offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 725** (Senate committee printing) as follows:

(1) In SECTION 1 of the bill, in added Section 325.025(b), Government Code, after the semicolon at the end of Subdivision (4) (page 1, line 23), insert "and".

(2) In SECTION 1 of the bill, in added Section 325.025(b), Government Code, in Subdivisions (5) and (6) (page 1, lines 24 and 25), strike "San Jacinto River Authority; and

(6)".

(3) Strike SECTION 6 of the bill relating to the San Jacinto River Authority (page 2, lines 10-19) and renumber subsequent SECTIONS accordingly.

The amendment to **CSSB 725** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 3 except as follows:

Nays: Hegar, Ogden.

(Senator Eltife in Chair)

Senator Davis offered the following amendment to the bill:

Floor Amendment No. 4

Amend **CSSB 725** (Senate committee printing) as follows:

(1) In SECTION 1 of the bill, in added Section 325.025(b), Government Code, after the semicolon at the end of Subdivision (4) (page 1, line 23), insert "and".

(2) In SECTION 1 of the bill, in added Section 325.025(b), Government Code, in Subdivisions (5) and (6) (page 1, lines 24 and 25), strike "; and

(6) Trinity River Authority of Texas".

(3) Strike SECTION 7 of the bill relating to the Trinity River Authority of Texas (page 2, lines 20-29) and renumber subsequent SECTIONS accordingly.

The amendment to **CSSB 725** was read.

Senator Estes moved to table Floor Amendment No. 4.

The motion to table was lost by the following vote: Yeas 6, Nays 22.

Yeas: Carona, Estes, Lucio, Nelson, Nichols, Patrick.

Nays: Averitt, Davis, Deuell, Duncan, Eltife, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Ogden, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Absent: Ellis, Fraser, Shapleigh.

Question recurring on the adoption of Floor Amendment No. 4 to **CSSB 725**, the amendment was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 4 except as follows:

Nays: Hegar, Ogden.

On motion of Senator Estes and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 725 as amended was passed to engrossment by the following vote: Yeas 22, Nays 9.

Yeas: Carona, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Hegar, Jackson, Lucio, Nelson, Nichols, Patrick, Seliger, Shapleigh, Uresti, Van de Putte, Watson, West, Williams, Zaffirini.

Nays: Averitt, Davis, Harris, Hinojosa, Huffman, Ogden, Shapiro, Wentworth, Whitmire.

**COMMITTEE SUBSTITUTE
SENATE BILL 845 ON SECOND READING**

On motion of Senator Van de Putte and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 845** at this time on its second reading:

CSSB 845, Relating to the tuition and fee exemption available to certain military personnel and their dependents and to permitting those personnel to transfer the exemption to a child.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 845 ON THIRD READING**

Senator Van de Putte moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 845** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1953 ON SECOND READING**

On motion of Senator Jackson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1953** at this time on its second reading:

CSSB 1953, Relating to authorizing the transfer of certain real property held by the Texas Department of Criminal Justice.

The bill was read second time.

Senator Jackson offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1953** (committee printing) as follows:

- (1) In SECTION 1(d) of the bill, (page 1, line 33), strike "and".
- (2) In SECTION 1(d) of the bill, (page 1, line 38), strike the period and substitute "; and".
- (3) In SECTION 1(d) of the bill, (page 1, between lines 38 and 39), insert the following:
 - (3) excludes from the transfer all mineral interests in and under the property and prohibits any exploration, drilling, or other similar intrusion on the property related to mineral interests.
- (4) In SECTION 3(d) of the bill, (page 2, line 11), strike "and".
- (5) In SECTION 3(d) of the bill, (page 2, line 16), strike the period and substitute "; and".

(6) In SECTION 3(d) of the bill, (page 2, between lines 16 and 17), insert the following:

(3) excludes from the transfer all mineral interests in and under the property and prohibits any exploration, drilling, or other similar intrusion on the property related to mineral interests.

(7) Strike SECTION 5 of the bill (page 2, lines 51 and 52) and substitute the following:

SECTION 5. EFFECTIVE DATE. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009.

The amendment to **CSSB 1953** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

Senator Jackson offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 1953** (committee printing) by adding the following section and renumbering subsequent sections accordingly:

Section _____. APPROVAL BY TEXAS DEPARTMENT OF CRIMINAL JUSTICE BOARD. This Act is contingent upon approval by formal resolution of the Board.

The amendment to **CSSB 1953** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 2.

On motion of Senator Jackson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1953 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 1953 ON THIRD READING

Senator Jackson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1953** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
HOUSE BILL 1830 ON SECOND READING**

On motion of Senator Ellis and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 1830** at this time on its second reading:

CSHB 1830, Relating to information technology security practices of state agencies.

The bill was read second time.

Senator Ogden offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 1830** (committee printing), in SECTION 6 of the bill, on page 3, lines 47, by striking "including closed loop event management technology that secures, logs, and provides audit management of baseboard management controllers and consoles of cyber assets".

The amendment to **CSHB 1830** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Ellis and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSHB 1830 as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

**COMMITTEE SUBSTITUTE
HOUSE BILL 1830 ON THIRD READING**

Senator Ellis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 1830** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 978 ON SECOND READING**

Senator West moved to suspend the regular order of business to take up for consideration **CSSB 978** at this time on its second reading:

CSSB 978, Relating to the creation and financing of public improvement districts.

The motion prevailed.

Senators Ogden and Patrick asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Ogden, Patrick.

**COMMITTEE SUBSTITUTE
SENATE BILL 978 ON THIRD READING**

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 978** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Averitt, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Seliger, Shapiro, Shapleigh, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Ogden, Patrick.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 1645 ON SECOND READING**

On motion of Senator Van de Putte and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1645** at this time on its second reading:

CSSB 1645, Relating to a study of the feasibility of establishing separate reimbursement under the Medicaid vendor drug program for certain pharmacy care management services.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1645 ON THIRD READING**

Senator Van de Putte moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1645** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 2531 ON SECOND READING**

On motion of Senator Gallegos and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 2531** at this time on its second reading:

CSSB 2531, Relating to the creation of the Harris County Improvement District No. 15; providing authority to impose an assessment, impose a tax, and issue bonds.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 2531 ON THIRD READING**

Senator Gallegos moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 2531** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER
Austin, Texas
May 7, 2009

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HCR 5, Posthumously conferring the Texas Legislative Medal of Honor on Pedro Cano of Hidalgo County for his heroic actions in World War II.

HCR 137, Commending Orange Grove High School Family, Career, and Community Leaders of America students for their efforts to raise awareness of cancer of unknown primary (CUP) origin and for choosing zebra stripes as the ribbon color to symbolize this rare form of cancer.

HCR 171, Memorializing Congress to direct the U.S. Department of Health and Human Services to establish a public health region for the counties along the Texas-Mexico border.

SB 405, Relating to compensation for the use of the public transportation system of a regional transportation authority.

SB 687, Relating to injury leave and related benefits for certain state peace officers injured in the course of performance of duty.
(Committee Substitute)

SB 828, Relating to a determination of value for purposes of punishment of the offense of abuse of official capacity.
(Committee Substitute)

SB 1755, Relating to the election of directors of the Clearwater Underground Water Conservation District.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

COMMITTEE SUBSTITUTE
SENATE BILL 853 ON SECOND READING

Senator Patrick moved to suspend the regular order of business to take up for consideration **CSSB 853** at this time on its second reading:

CSSB 853, Relating to authorizing injunctive relief during proceedings to cancel or suspend certain alcoholic beverage permits and licenses.

The motion prevailed by the following vote: Yeas 25, Nays 6.

Yeas: Averitt, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Van de Putte, West, Whitmire, Williams, Zaffirini.

Nays: Hinojosa, Lucio, Shapleigh, Uresti, Watson, Wentworth.

The bill was read second time.

On motion of Senator Patrick, further consideration of **CSSB 853** was postponed to a time certain of 10:00 a.m. tomorrow.

SENATE BILL 958 ON SECOND READING

On motion of Senator Hegar and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 958** at this time on its second reading:

SB 958, Relating to an exemption from the sales and use tax for machinery and equipment used in an agricultural aircraft operation.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 958 ON THIRD READING

Senator Hegar moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 958** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1454 ON SECOND READING**

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1454** at this time on its second reading:

CSSB 1454, Relating to the right to an expunction of records and files relating to a person's arrest.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1454 ON THIRD READING**

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1454** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 2224 ON SECOND READING**

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 2224** at this time on its second reading:

CSSB 2224, Relating to orders of nondisclosure for the records of children convicted of certain offenses punishable by fine only.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 2224 ON THIRD READING**

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 2224** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
HOUSE BILL 865 ON SECOND READING**

On motion of Senator Hegar and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 865** at this time on its second reading:

CSHB 865, Relating to the establishment of the Texas Invasive Species Coordinating Committee.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

**COMMITTEE SUBSTITUTE
HOUSE BILL 865 ON THIRD READING**

Senator Hegar moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 865** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

STATEMENT OF LEGISLATIVE INTENT

Senator Hegar submitted the following statement of legislative intent for **CSHB 865**:

Concerns have been raised regarding the exclusion of "dogs and cats" in the definition of what is not to be considered an invasive species. Under current statute, the Texas Parks and Wildlife Department and the Texas Department of Agriculture are the only agencies authorized to add a specific species to the invasive species list. **CSHB 865** does not alter this statute nor does it allow the management and control of any species not already included on the list. I am confident that neither dogs nor cats are in danger of being added to the invasive species list and therefore do not believe it is necessary to include them in the language of the bill.

HEGAR

SENATE BILL 2283 ON SECOND READING

On motion of Senator Lucio and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 2283** at this time on its second reading:

SB 2283, Relating to the use of the state participation account of the Texas Water Development Fund.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 2283 ON THIRD READING

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 2283** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1833 ON SECOND READING

Senator Patrick moved to suspend the regular order of business to take up for consideration **SB 1833** at this time on its second reading:

SB 1833, Relating to county participation in the enterprise zone program.

The motion prevailed.

Senator Williams asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Ogden offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 1833** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill appropriately:

SECTION _____. This Act does not make an appropriation. This Act takes effect only if a specific appropriation for the implementation of the Act is provided in a general appropriations act of the 81st Legislature.

The amendment to **SB 1833** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 except as follows:

Nays: Williams.

On motion of Senator Patrick and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

SB 1833 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Williams.

SENATE BILL 1833 ON THIRD READING

Senator Patrick moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1833** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Williams.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

COMMITTEE SUBSTITUTE HOUSE BILL 1580 ON SECOND READING

On motion of Senator Hegar and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 1580** at this time on its second reading:

CSHB 1580, Relating to the continuation and functions of the board of directors of the official cotton growers' boll weevil eradication foundation and the management of certain cotton in pest management zones.

The bill was read second time.

Senator Hegar offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 1580** (committee printing) as follows:

(1) On page 1, line 55, between "establish" and "a hostable", insert "and collect".

(2) On page 2, line 40, between "Unless" and "on or before", insert "the fee is paid".

(3) On page 2, line 42, after "due" strike "the fee is paid".

(4) On page 3, line 24, strike "Section 74.118(a), Agriculture Code, is" and substitute "Sections 74.118(a) and (b), Agriculture Code, are"

(5) On page 3, between line 30 and line 31, insert the following:

"(b) The commissioner may adopt rules relating to [~~prohibiting the planting of~~] noncommercial cotton located in eradication zones and requiring that all growers of commercial cotton in an eradication zone participate in a boll weevil or pink bollworm eradication program that includes cost sharing as required by the rules."

(6) On page 3, line 38-39, strike "~~[if the department determines the action is necessary to carry out the purpose of this subchapter]~~" and substitute "if the department determines the action is necessary to carry out the purpose of this subchapter".

The amendment to **CSHB 1580** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Hegar and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSHB 1580 as amended was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

**COMMITTEE SUBSTITUTE
HOUSE BILL 1580 ON THIRD READING**

Senator Hegar moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 1580** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 2249 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 2249** at this time on its second reading:

CSSB 2249, Relating to a certification program for teachers of students with visual impairments.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 2249 ON THIRD READING**

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 2249** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 2079 ON SECOND READING

On motion of Senator Uresti and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 2079** at this time on its second reading:

SB 2079, Relating to the continuing care plan for persons being discharged from state hospitals.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 2079 ON THIRD READING

Senator Uresti moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 2079** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE RULE 11.13 SUSPENDED
(Consideration of Bills in Committees)

On motion of Senator Williams and by unanimous consent, Senate Rule 11.13 was suspended to grant all committees permission to meet while the Senate was meeting today.

SENATE RULE 11.10(a) SUSPENDED
(Public Notice of Committee Meetings)

On motion of Senator Van de Putte and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on Veteran Affairs and Military Installations might meet today.

SENATE RULE 11.10(a) SUSPENDED
(Public Notice of Committee Meetings)

On motion of Senator Fraser and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on Business and Commerce might meet today.

SENATE RULE 11.10(a) SUSPENDED
(Public Notice of Committee Meetings)

On motion of Senator Averitt and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on Natural Resources might meet today.

SENATE RULE 11.10(a) SUSPENDED
(Public Notice of Committee Meetings)

On motion of Senator Jackson and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on Nominations might meet today.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator West and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Intergovernmental Relations might meet and consider **SB 2550** today.

MOTION TO ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 2:56 p.m. agreed to adjourn, upon completion of the introduction of bills and resolutions on first reading, until 9:30 a.m. tomorrow.

SENATE BILL ON FIRST READING

The following bill was introduced, read first time, and referred to the committee indicated:

SB 2579 by Watson

Relating to the board of directors of the Lakeway Municipal Utility District.
To Committee on Intergovernmental Relations.

HOUSE BILLS ON FIRST READING

The following bills received from the House were read first time and referred to the committees indicated:

HB 101 to Committee on Higher Education.

HB 334 to Committee on State Affairs.

HB 434 to Committee on Business and Commerce.

HB 461 to Committee on Health and Human Services.

HB 469 to Committee on Natural Resources.

HB 472 to Committee on Natural Resources.

HB 636 to Committee on Education.

HB 643 to Committee on Health and Human Services.

HB 739 to Committee on State Affairs.

HB 756 to Committee on State Affairs.

HB 871 to Committee on Intergovernmental Relations.

HB 878 to Committee on Intergovernmental Relations.

HB 1030 to Committee on Intergovernmental Relations.

HB 1113 to Committee on Intergovernmental Relations.

HB 1138 to Committee on State Affairs.

HB 1151 to Committee on Jurisprudence.

HB 1187 to Committee on Intergovernmental Relations.

HB 1233 to Committee on Criminal Justice.

HB 1256 to Committee on State Affairs.

HB 1285 to Committee on Jurisprudence.

HB 1320 to Committee on Criminal Justice.

HB 1384 to Committee on Intergovernmental Relations.

HB 1461 to Committee on Jurisprudence.

HB 1556 to Committee on Transportation and Homeland Security.

HB 1569 to Committee on Business and Commerce.

HB 1730 to Committee on Intergovernmental Relations.

HB 1883 to Committee on Natural Resources.

HB 1914 to Committee on Criminal Justice.

HB 1925 to Committee on Jurisprudence.

HB 1959 to Committee on Government Organization.

HB 1997 to Committee on State Affairs.

HB 2022 to Committee on Intergovernmental Relations.
HB 2090 to Committee on Jurisprudence.
HB 2209 to Committee on Education.
HB 2212 to Committee on Intergovernmental Relations.
HB 2214 to Committee on Transportation and Homeland Security.
HB 2344 to Committee on Intergovernmental Relations.
HB 2349 to Committee on State Affairs.
HB 2424 to Committee on Higher Education.
HB 2467 to Committee on Criminal Justice.
HB 2628 to Committee on Finance.
HB 2665 to Committee on Intergovernmental Relations.
HB 2685 to Committee on State Affairs.
HB 2692 to Committee on Intergovernmental Relations.
HB 2772 to Committee on Intergovernmental Relations.
HB 2788 to Committee on Intergovernmental Relations.
HB 2805 to Committee on Higher Education.
HB 2845 to Committee on Health and Human Services.
HB 2854 to Committee on Transportation and Homeland Security.
HB 2925 to Committee on Natural Resources.
HB 2927 to Committee on Health and Human Services.
HB 2961 to Committee on Higher Education.
HB 3001 to Committee on Intergovernmental Relations.
HB 3003 to Committee on Intergovernmental Relations.
HB 3009 to Committee on Intergovernmental Relations.
HB 3098 to Committee on Economic Development.
HB 3132 to Committee on Intergovernmental Relations.
HB 3147 to Committee on Criminal Justice.
HB 3231 to Committee on Health and Human Services.
HB 3358 to Committee on Veteran Affairs and Military Installations.
HB 3398 to Committee on Intergovernmental Relations.
HB 3481 to Committee on Criminal Justice.
HB 3487 to Committee on Intergovernmental Relations.
HB 3544 to Committee on State Affairs.
HB 3552 to Committee on State Affairs.
HB 3554 to Committee on Jurisprudence.
HB 3668 to Committee on Intergovernmental Relations.
HB 3677 to Committee on Intergovernmental Relations.
HB 3758 to Committee on Transportation and Homeland Security.
HB 3767 to Committee on Jurisprudence.
HB 3795 to Committee on Higher Education.
HB 3800 to Committee on Transportation and Homeland Security.
HB 3802 to Committee on Intergovernmental Relations.
HB 3881 to Committee on Criminal Justice.
HB 3988 to Committee on Transportation and Homeland Security.
HB 4029 to Committee on Health and Human Services.
HB 4180 to Committee on Transportation and Homeland Security.

HB 4244 to Committee on Higher Education.
HB 4275 to Committee on Intergovernmental Relations.
HB 4276 to Committee on Health and Human Services.
HB 4300 to Committee on Natural Resources.
HB 4328 to Committee on Economic Development.
HB 4338 to Committee on Business and Commerce.
HB 4341 to Committee on Health and Human Services.
HB 4376 to Committee on Economic Development.
HB 4402 to Committee on State Affairs.
HB 4461 to Committee on State Affairs.
HB 4501 to Committee on Higher Education.
HB 4644 to Committee on Natural Resources.
HB 4661 to Committee on Finance.
HB 4713 to Committee on Natural Resources.
HB 4723 to Committee on Intergovernmental Relations.
HB 4728 to Committee on Intergovernmental Relations.
HB 4748 to Committee on Intergovernmental Relations.
HB 4760 to Committee on Jurisprudence.
HB 4762 to Committee on Natural Resources.
HB 4765 to Committee on Finance.
HB 4779 to Committee on Intergovernmental Relations.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SCR 71 by Eltife, In memory of George Harold Whatley, Jr.
SR 865 by Uresti, In memory of Michael J. Sanchez of San Antonio.
SR 868 by Williams, In memory of Homero Rosales, Jr., of Houston.
SR 872 by Lucio, In memory of the life of Norma Linda Trevino.
SR 873 by Hinojosa, In memory of David Berlanga, Jr., of Corpus Christi.

Congratulatory Resolutions

SR 861 by Seliger, Recognizing Staten James Holmes for his accomplishments in the sport of archery.
SR 862 by Duncan, Recognizing the American Cancer Society High Plains Division for its efforts to establish a Hope Lodge in Lubbock.
SR 866 by Ogden, Recognizing San Gabriel Christian Church on the occasion of its 155th anniversary.
SR 867 by Whitmire, Recognizing the Houston-Area Women's Business Enterprise Alliance on the occasion of its 12th Annual Expo.
SR 869 by Ellis, Commending Andrew Fontenot for achieving the rank of Eagle Scout.

SR 870 by Ellis, Commending Charles A. Spratlin for achieving the rank of Eagle Scout.

SR 871 by Ellis, Recognizing Bobby Ray Williams, Jr., on the occasion of his graduation from Texas Southern University.

HCR 121 (Watson), Recognizing all those who participated in the 2008 Capital Area State Employee Charitable Campaign.

HCR 194 (Eltife), Commemorating the Rotary District 5830 Conference in Paris, Texas, on May 15 and 16, 2009.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 3:15 p.m. adjourned until 9:30 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

The following committee reports were received by the Secretary of the Senate in the order listed:

May 7, 2009

STATE AFFAIRS — **CSHB 71, CSHB 1342, CSHB 1761, CSSB 1493, CSSB 1023, CSSB 2085, CSSJR 42**

ECONOMIC DEVELOPMENT — **CSHB 2032**

CRIMINAL JUSTICE — **HB 4314**

TRANSPORTATION AND HOMELAND SECURITY — **CSSB 1984, CSHB 2983**

AGRICULTURE AND RURAL AFFAIRS — **CSSB 2405, HB 205, CSHB 375, HB 693, CSHB 968, HB 1079, HB 1530, HB 1805, HB 1918, HB 2765**

HIGHER EDUCATION — **CSSB 1304, CSHB 4476**

INTERGOVERNMENTAL RELATIONS — **HB 749, SB 2487, SB 2488, SB 2498, SB 2537, SB 2543, SB 2553, SB 2555**

NATURAL RESOURCES — **HB 1731, HB 4231, HB 1445, HB 1178, HB 1923, HB 1947, HB 3661, HB 3765, HB 4706, SB 1210**

JURISPRUDENCE — **HB 396, HB 890, HB 1793, HB 3303, SB 2566**

INTERGOVERNMENTAL RELATIONS — **CSSB 2209, CSSB 2541, CSSB 880, CSSB 2446, CSSB 2447**

CRIMINAL JUSTICE — **CSSB 1709**

BILLS ENGROSSEDMay 6, 2009

SB 63, SB 646, SB 815, SB 841, SB 1088, SB 1176, SB 1266, SB 1318, SB 1429, SB 1497, SB 1646, SB 1668, SB 1804, SB 1844, SB 1853, SB 1858, SB 1871, SB 2182, SB 2438, SB 2473, SB 2556

BILLS AND RESOLUTIONS ENROLLEDMay 6, 2009

SB 43, SB 95, SB 293, SB 658, SB 659, SB 799, SB 811, SB 836, SB 848, SB 914, SB 983, SB 1658, SB 2043, SR 824, SR 837, SR 841, SR 851, SR 852, SR 853, SR 854, SR 855, SR 856, SR 857, SR 858

SENT TO GOVERNORMay 7, 2009

SB 43, SB 95, SB 293, SB 658, SB 659, SB 799, SB 811, SB 836, SB 848, SB 914, SB 983, SB 1658, SB 2043